

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GENARO QUINTANA,

Plaintiff,

v.

MOUNTAIN VIEW-LOS ALTOS UNION
HIGH SCHOOL DISTRICT,

Defendant.

Case No. 5:13-cv-02258-PSG

**ORDER DENYING MOTION FOR
LEAVE TO FILE A MOTION FOR
RECONSIDERATION OF ORDER
DISMISSING CASE**

(Re: Docket No. 38)

Before the court is Plaintiff Genaro Quintana's motion for leave to file a motion for reconsideration of the court's order granting Defendant Mountain View-Los Altos Union High School District's motion to dismiss.¹

"Although Rule 59(e) permits a district court to reconsider and amend a previous order, the rule offers an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources."² A party seeking leave to file a motion for reconsideration

¹ See Docket No. 38.

² *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (internal quotations and citations omitted).

1 must satisfy Civil L.R. 7-9(b).³

2 Quintana has not satisfied the requirements of Civil L.R. 7-9. Quintana's motion does not
3 identify (1) any material difference in fact or law since the issuance of the court's January 7, 2014,
4 order, (2) the emergence of new material facts or a change of law, or (3) any material facts or
5 dispositive legal arguments which the court did not consider. Instead, Quintana bases his motion
6 on his claim that he was not made aware of the hearing on the motion to dismiss.⁴ This argument
7 is not compelling, because Quintana was served at the address where he has been served with all
8 documents in both the related state and this federal court action.⁵ The court also notes that
9 Quintana did not file any opposition to the motion in advance of the hearing. Because Quintana
10 has not satisfied Civil L.R. 7-9(b), the court does not revisit his modified claim that periodic
11 memory loss constitutes a substantial impairment under the Americans with Disabilities Act.
12 Quintana's motion for leave to file a motion for reconsideration is DENIED.

13 **IT IS SO ORDERED.**

14 Dated: March 5, 2014

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16 
17 PAUL S. GREWAL
18 United States Magistrate Judge

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20 ³ Civil L.R. 7-9(b) requires that to obtain leave to file a motion for reconsideration, the moving
21 party must specifically show:

- 22 (1) "That at the time of the motion for leave, a material difference in fact or law exists from
23 that which was presented to the Court before entry of the interlocutory order for which
24 reconsideration is sought. The party also must show that in the exercise of reasonable
25 diligence the party applying for reconsideration did not know such fact or law at the
26 time of the interlocutory order;
- 27 (2) The emergence of new material facts or a change of law occurring after the time of such
28 order; or
- (3) A manifest failure by the Court to consider material facts or dispositive legal arguments
which were presented to the Court before such interlocutory order."

⁴ See Docket No. 38 at 4 ("To date Plaintiff has never received any additional court scheduled
appearance to present opposition to the Defendant's" motion to dismiss.).

⁵ See Docket No. 33.